IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

Crl.Rev.Pet.No. 1077 of 2000(C)

CRA.52/1995 of SESSIONS COURT, KOTTAYAM
CC.432/1992 of JUDL.MAGISTRATE OF FIRST CLASS-I, KANJIRAPPALLY

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REVN. PETITIONER:

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1. FRANCIS CALLED SUNU,
S/O.FRANCIS, UPPACHERIL HOUSE,
MARANGATTUPALLY KARA,
ELAKATTU VILLAGE,
MEENACHIL TALUK.

2. SEBASTIAN CALLED BENNY,
S/O.FRANCIS OF -D0- -D0-

BY ADV. SRI.ISAAC M PERUMPILLIL
SRI.A.C.DAVIS

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.5748/2000 IN CRL.R.P.NO.1077/2000

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

24/10/2007

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K.R.UDAYABHANU, J.

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Crl.R.P.No.1077 of 2000-C

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Dated this the 24th day of October, 2007

O R D E R

The revision petitioners, two in number, stands convicted for the offences under Sections 324 and 326 I.P.C and sentenced to undergo rigorous imprisonment for one year for the offence under Section 324 I.P.C and sentenced to undergo rigorous imprisonment for two years for the offence under Section 326 I.PC. The findings are concurrent.

2. The prosecution case is that PWs.1 and 2 were attacked by the accused on 24/04/1989 at about 7.15 p.m at Marangattupally junction and inflicted repeated stab injuries.

3. The evidence adduced in the matter consisted of the testimony of PWs.1 to 13 and Ext.P1 to P11 series and MOs.1 to 3.

4. The counsel has only pleaded for leniency, so far as the sentence is concerned, pointing out that about 18 years have lapsed since the commencement of the proceedings and that at that time the first accused was only aged 17 years and the second accused 24 years.

5. It is seen from the evidence adduced in the matter in particular the testimony of PW.13 the Associate Professor in Surgery of Medical College Hospital, Kottayam, and Exts.P7 and P8 wound certificates and Exts.P10 and P11 series of case sheets that PW.1 has sustained very serious injuries which is likely to endanger human life, i.e. incised wound penetrating into the plural cavity and PW.2 has also sustained stab injury on the chest. They were also inpatients in the Medical College Hospital, Kottayam for 11 days each. PW.1 has also undergone an operation. Also considering the long delay, I find that the sentence of imprisonment can be avoided.

In the circumstances, the sentence is modified to imprisonment till the rising of the court and each of the accused to pay compensation of rupees twenty-five thousand each to PW.1 and rupees five thousand each to PW.2 and in default to undergo simple imprisonment for six months each for the offence under Section 326 I.P.C. No separate sentence is awarded for the offence under Section 324 I.P.C. The revision petitioners are granted two months time to remit the amount of compensation. They shall appear before the Judicial Magistrate of the First Class-I, Kanjirappally, on 22/12/2007 to receive the sentence. The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.R.P.No.1077 of 2000-C

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O R D E R

24th October, 2007